

CATEGORICAL EXCLUSION DOCUMENTATION

Project Name: City of Kalispell/Kidsports Easement

Proposed Implementation Date: Fall, 2012

Proponent: City of Kalispell

Type and Purpose of Action: **To Transition a portion of the acreage of a long-term concentrated recreational use lease for a children's and handicapped City athletic complex/Park to a permanent easement securing the same use on that acreage.** MEPA has been done numerous times for the current use of this property, including an EA in 1997 for the initiation of the referenced lease (*Checklist Environmental Assessment for the Kalispell Community Youth Athletic Complex, 1997*); a DEIS, FEIS, and ROD for the entire Section encompassing this property in 2001 (*Section 36 Neighborhood Plan, 2001*); as well as the related City of Kalispell process required for the DNRC Neighborhood Plan (1999). The use of the acreage in question would remain consistent with its current state, with the proposed change (economic) being limited to how the trust is compensated for the use (easement instead of lease).

Location: Section 36, T29N, R22W

County: Flathead

Category:

- ☐ 1) Temporary Uses of Land with Negligible Effects
- ☐ 2) Plans and Policies
- ☐ 3) Leases and Licenses
- ☐ 4) Acquisition of Land or Interest in Land
- ☐ 5) Road Maintenance and Repair
- ☐ 6) Bridges and Culverts
- ☐ 7) Crossing Class 3 Streams
- ☐ 8) Temporary Road Use Permits
- ☐ 9) Road Closure
- ☐ 10) Material Stockpiles
- ☐ 11) Backfilling
- ☐ 12) Gathering Forest Products for Personal Use
- ☐ 13) Regeneration
- ☐ 14) Nursery Operations
- ☐ 15) Water Wells
- ☐ 16) Herbicides and Pesticides
- ☐ 17) Other Hazardous Materials
- ☐ 18) Fences
- ☐ 19) Waterlines
- ☐ 20) Removal of Small Trees
- ☐ 21) Removal of Hazardous Trees
- ☐ 22) Cone Collection
- ☐ 23) Timber Harvest
- ☒ **24) Social or Economic Impacts only (included per ARM 36.2.523.(5)(f))**

Pursuant to ARM 36.2.523(5)(a), the Department of Natural Resources and Conservation, Trust Land Management Division, has identified the above categorical exclusions for activities conducted on state trust lands. "Categorical Exclusion" refers to a type of action that does not individually, collectively, or cumulatively require an EA or EIS unless extraordinary circumstances occur (ARM 36.2.522(5)).

Extraordinary Circumstances:

Will the activities affect the following in the project area? A “yes” answer will require a narrative explaining specific mitigation measures taken to eliminate the potential for impact. If the potential for impacts cannot be mitigated, then a MEPA analysis must be conducted.

YES	NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1) Sites with high erosion risk.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2) Federally listed threatened and endangered species or critical habitat for threatened and endangered species as designated by the USFWS.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3) Municipal watersheds.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4) The SMZ of fish bearing streams or lakes, except for modification or replacement of bridges, culverts and other crossing structures.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5) DNRC listed sensitive species.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6) State natural area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7) Native American religious and cultural sites.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8) Archaeological sites.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9) Historic properties and areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10) Several related projects that individually may be subject to categorical exclusion but that may occur at the same time or in the same geographic area. Such related actions may be subject to environmental review even if they are not individually subject to review.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11) Violations of any applicable state or federal laws or regulations.

COMMENT ON ITEM 9, ARCHAEOLOGICAL SITES: A historical landmark, the Spring Prairie Tree, is present within the SE1/4 of Section 36. The Tobacco Plains Trail passed near this historic ponderosa pine tree. The trail was used for hundreds of years by the Kootenai Indians on their way to the eastern Montana plans by way of the Hellgate Pass east of Missoula. This tree is currently being protected as a historical feature through the lease agreement with the City of Kalispell for operation of the sports fields (see EA and EIS documents referenced above) and a similar stipulation for its protection as a historical feature will be incorporated into the proposed permanent easement. The Montana Historical Society was contacted in order to identify any other cultural resources on Section 36 and none were reported to exist.

Prepared by: <u>Anne Shaw Moran</u>	<u>Kalispell Unit Planner</u>
(Name)	(Title)
<u></u>	<u></u>
(Signature)	(Date)

The project listed above meets the definition of the indicated categorical exclusion, including specified conditions and extraordinary circumstances, as provided in the State Forest Land Management Rules (ARM 36.11.447).

Decision by: <u></u>	<u></u>
(Name)	(Title)
<u></u>	<u></u>
(Signature)	(Date)